

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PAUL W. THATCHER, JR.,

Plaintiff

v.

C-1-12-470

INSTITUTIONAL INSPECTOR MAHALMA,
et al.,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 25) and plaintiff's objections thereto (doc. no. 37). The Magistrate Judge recommended that plaintiff's Motion for a TRO and/or Preliminary Injunctive Relief (doc. no. 4) be DENIED; defendant DesMarais's Motion to Dismiss (doc. no. 14) be GRANTED, with all claims against that defendant to be dismissed; and all claims against defendant Dr. O. Cataldi be DISMISSED *sua sponte*, for failure to state a claim, pursuant to 28 U.S.C. §1915(e).

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law.

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Magistrate Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Magistrate Judge.

Accordingly, the Court hereby ADOPTS AND INCORPORATES BY REFERENCE HEREIN the Report and Recommendation of the United States Magistrate Judge (doc. no. 25). Plaintiff's Motion for a TRO and/or Preliminary Injunctive Relief (doc. no. 4) is DENIED; defendant DesMarais's Motion to Dismiss (doc. no. 14) is GRANTED and all claims against that defendant are DISMISSED; and all claims against defendant Dr. O. Cataldi are DISMISSED *sua sponte*, for failure to state a claim, pursuant to 28 U.S.C. §1915(e).

This matter is RECOMMITTED to the United States Magistrate Judge for further proceedings according to law.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court